

Attorney Docket: 030353  
U.S. Application No. 10/720,587 Examiner SIKRI Art Unit 2109  
Response to July 24, 2008 Final Office Action

### **REMARKS**

In response to the final Office Action dated July 24, 2008, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that the pending claims already distinguish over the cited documents.

Claims 1-20 are pending in this application.

#### **Rejection of Claims under § 103 (a) over *Logan & Ando***

The Office rejects claims 1-4, 6-7, 10-17, and 19-20 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* in view of U.S. Patent Application Publication 2003/0126610 to Ando.

These claims, though, are not obvious over *Logan* and *Ando*. These claims already recite, or incorporate, many features that are not disclosed or suggested by the proposed combination of *Logan* and *Ando*. Independent claim 1, for example, already recites “*when a subcontracted processing service is required, interrogating the different service provider to fulfill the subcontracted processing service*” and “*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the subcontracted processing service*” (emphasis added). Independent claim 1 also already recites “*dispersing the segment to the different service provider for fulfillment of the subcontracted processing service*” and “*receiving a result of the subcontracted processing service from the different service provider*” (emphasis added). Independent claims 14 and 15 recite similar features.

The combined teaching of *Logan* and *Ando* does not obviate at least these features. As the Assignee has previously explained, *Logan* segments broadcast programming and uses demographics and preferences to select segments that match the needs of users. See U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* at paragraphs [0043], [0045], and [0047]. Even so, *Logan* completely fails to teach or suggest the “*subcontracting*” features of independent claims 1, 14, and 15.

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The Office now alleges that *Ando* teaches these “*subcontracting*” features. The Office even cites to several paragraphs within *Ando*, but the Office is, very respectfully, mistaken. *Ando* describes a request for reserving a frequency band (or maximum packet length) in a network route. See U.S. Patent Application Publication 2003/0126610 to Ando at paragraphs [0090] and [0091]. As the Assignee explains below, *Ando* fails to teach, suggest, or even contemplate the “*subcontracting*” features of independent claim 1. *Ando*, quite simply, has nothing to do with “*subcontracting*” of a segment of individual packets.

The Office, for example, cites to *Ando*’s paragraph [0042]. This paragraph is reproduced in its entirety below:

[0042] More specifically, this IP streaming system includes an headend system 10 which stores many types of multimedia contents and executes distribution processing of multimedia contents such as videos for which viewing requests are sent from users, a network 20 having, for example, a ring-topology configuration, and a plurality of distribution HUBs 30.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0042]. As the Office should now realize, this paragraph makes absolutely no mention of “*when a subcontracted processing service is required, interrogating the different service provider to fulfill the subcontracted processing service*” and “*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the subcontracted processing service*” (emphasis added). The independent claims also already recite “*dispersing the segment to the different service provider for fulfillment of the subcontracted processing service*” and “*receiving a result of the subcontracted processing service from the different service provider*” (emphasis added). *Ando*’s paragraph [0042], then, does not teach what the Office alleges.

The Office also cites to *Ando*’s paragraph [0045], but the Office is again mistaken. *Ando*’s paragraph [0045] is reproduced in its entirety below:

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[0045] This navigation server 11 incorporates an EPG (Electronic Program Guide) which becomes a menu window which is possessed by the server 11 itself and can be browsed, navigation server software, other necessary software, and the like, and executes required processing while securing cooperation among the EPG and various pieces of software. When a request to view a given content is sent from a user, the navigation server 11 receives the type of requested content. If a VOD content is requested, the navigation server 11 notifies the distribution server 12 of the corresponding information. Assume that the requested content is distributed by broadcasting, the navigation server 11 does not notify the distribution server 12.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0045]. This paragraph discusses a “navigation server” that stores an EPG and notifies a distribution server of requested video-on-demand content. This paragraph is entirely silent to “*when a subcontracted processing service is required, interrogating the different service provider to fulfill the subcontracted processing service*” and “*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the subcontracted processing service*” (emphasis added). The independent claims also already recite “*dispersing the segment to the different service provider for fulfillment of the subcontracted processing service*” and “*receiving a result of the subcontracted processing service from the different service provider*” (emphasis added). Ando’s paragraph [0045], then, does not teach what the Office alleges.

The Office also cites to Ando’s paragraph [0046]. Again, though, the Office is, respectfully, mistaken. Ando’s paragraph [0046] is reproduced in its entirety below:

[0046] This distribution server 12 has a large-capacity distribution information database 12a which stores many types of multimedia contents, band information and necessary distribution time information required to distribute the respective contents, and other information required for distribution, and has the function of managing distribution information including various types of contents. Upon reception of a distribution request for a VOD content from the navigation server 11 on the basis of request source information such as an IP address, the distribution server 12 reads out the requested content from the distribution information database 12a, and distributes to the user on the basis of the request source information. In contrast, a broadcast content is distributed by using a multicasting technique such as IP multicasting. Note that a broadcast content is set in advance on the basis of the use frequency in the past or a use frequency is set in advance and a content whose use frequency exceeds the reference use frequency is automatically recognized as a

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broadcast content. Alternatively, such contents are determined in accordance with a contract with a contents provider.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0046]. This paragraph also discusses the "distribution server" that distributes VOD content to a requesting user. The last sentence of *Ando's* paragraph [0046] briefly mentions a "contract with a contents provider." This meager disclosure cannot reasonably be interpreted as teaching or suggesting "*when a subcontracted processing service is required, interrogating the different service provider to fulfill the subcontracted processing service*" and "*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the subcontracted processing service*" (emphasis added). The independent claims also already recite "*dispersing the segment to the different service provider for fulfillment of the subcontracted processing service*" and "*receiving a result of the subcontracted processing service from the different service provider*" (emphasis added). *Ando's* paragraph [0046], then, does not teach what the Office alleges.

Claims 1-4, 6-7, 10-17, and 19-20, then, are not obviated by *Logan* and *Ando*. Neither *Logan* nor *Ando* teaches or suggests the "subcontracting" features recited by the independent claims. The dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-4, 6-7, 10-17, and 19-20 are obvious over *Logan* and *Ando*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claims 5 & 18 under § 103 (a)**

Claims 5 and 18 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of *Ando* and further in view of U.S. Patent 7,184,548 to *Wee, et al.*

Claims 5 and 18, however, are not obvious over *Logan*, *Ando*, and *Wee*. These claims depend, respectively, from independent claims 1 and 15, so these claims incorporate the same distinguishing features discussed above. As the above paragraphs explained, both *Logan* and

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*Ando* fail to teach or suggest all the features of independent claims 1 and 15, and *Wee* does not cure these deficiencies. *Wee* describes a computer system that segments video data. See U.S. Patent 7,184,548 to *Wee, et al.* at column 3, lines 38-51. As *Wee* explains, "the video data is comprised of a stream of uncompressed video frames which are received by segmented 702." *Id.* at column 7, lines 64-66. As FIG. 10 illustrates, the video frame is segmented into regions. See *id.* at column 9, lines 18-21, lines 23-27, and lines 27-30. See also FIGS. 10A, 10B, and 10C. Each region is then packetized using header data and scalable video data. See *id.* at column 8, line 62 through column 9, line 7. *Wee* further explains its process at column 10, line 55 through column 11, line 20.

Still, though, the combined teaching of *Logan, Ando*, and *Wee* does not obviate claims 5 and 18. The proposed combination of *Logan, Ando*, and *Wee* still fails to teach or suggest the "subcontracting" features recited by the independent claims, and claims 5 and 18 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 5 and 18 are obvious over *Logan, Ando*, and *Wee*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claims 8 & 9 under § 103 (a)**

Claims 8 and 9 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of *Ando* and further in view of U.S. Patent 6,917,628 to *McKinnin, et al.*

Claims 8 and 9, however, are not obvious over *Logan, Ando*, and *McKinnin*. These claims depend from independent claim 1, so these claims incorporate the same distinguishing features discussed above. As the above paragraphs explained, both *Logan* and *Ando* fail to teach or suggest all the features of independent claim 1, and *McKinnin* does not cure these deficiencies. *McKinnin* allocates bandwidth to users of cable modems. See U.S. Patent 6,917,628 to *McKinnin, et al.* at column 7, lines 54-58. Bandwidth consumed is compared to a bandwidth allowance. See *id.* at column 10, lines 35-41 and at column 11, lines 1-5. Available bandwidth may be prioritized amongst cable modems, based on "prioritization policies," such as a user's

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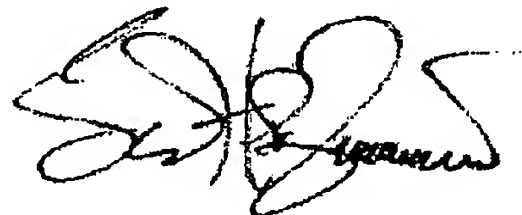
service level agreement guarantees. *See id.* at column 13, line 45 through column 14, line 40. Even "fairness considerations" may be considered when prioritizing bandwidth between cable modems. *See id.* at column 14, lines 46-67.

Still, though, the combined teaching of *Logan*, *Ando*, and *McKinnin* does not obviate claims 8 and 9. The proposed combination of *Logan*, *Ando*, and *McKinnin* still fails to teach or suggest the "subcontracting" features recited by the independent claims, and claims 8 and 9 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 8 and 9 are obvious over *Logan*, *Ando*, and *McKinnin*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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